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19 UNITED STATES OF AMERICA

20 UNITED STATES DISTRICT COURT

21 FOR THE CENTRAL DISTRICT OF CALIFORNIA

22 UNITED STATES OF AMERICA,

23 No. 2:18-CR-00172(A)-GW-1, 6, 7, 8

24 Plaintiff,

25 v.
26 GOVERNMENT'S NOTICE OF LODGING OF
27 OPPOSED [PROPOSED] FINDINGS OF
28 FACT REGARDING EMPANELMENT OF AN
29 ANONYMOUS JURY

30 MICHAEL LERMA, et al.,

31 Defendants.

32 Plaintiff United States of America, by and through its counsel
33 of record, the Acting United States Attorney for the Central District
34 of California and Assistant United States Attorneys Kyle W. Kahan,
35 Kellye Ng, and Jason Gorn hereby proposes additional findings of fact
36 regarding the Court's order to empanel an anonymous jury.

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(Dkt. 1525; Feb. 10, 2025 Sealed Pretrial Conf. Hrg. Tr.; Feb. 19, 2025 Sealed Hrg. Tr.)

Dated: February 24, 2025

Respectfully submitted,

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/s/
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1 **PROPOSED FINDINGS OF FACT**

2 The Court finds that an anonymous jury panel is necessary
3 because there is strong reason to believe the jury needs protection,
4 and to safeguard the integrity of the justice system so that the jury
5 may perform its factfinding function. See United States v. Shryock,
6 342 F.3d 948, 971-73 (9th Cir. 2003). The Court will adopt
7 reasonable safeguards to minimize any risk of infringement upon the
8 fundamental rights of the accused, including by providing the names
9 of the prospective jurors under an Attorneys' Eyes Only designation,
10 and the prospective jurors will not be told that they are being kept
11 anonymous.

12 This Court has recognized the need for jury protection based on
13 the following combination of factors:

14 1. The Defendants' Involvement with Organized Crime

15 Here, defendant Michael Lerma is alleged to be a high-ranking
16 member of the Mexican Mafia, an extraordinarily violent organized
17 criminal enterprise. Co-defendants Jose Valencia Gonzalez, Carlos
18 Gonzalez, and Juan Sanchez are alleged to be defendant Lerma's close,
19 trusted associates, who are charged with carrying out a murder of
20 another inmate at the Metropolitan Detention Center of Los Angeles
21 pursuant to defendant Lerma's orders. As this Court has previously
22 found, the allegations concern a high point of dangerousness within a
23 federal facility and the murder of someone who was under federal
24 protection. (See Feb. 10, 2025 Hrg. Tr. at 132:21-25, 133:1-13; Feb.
25 19, 2025 Hrg. Tr. at 39:22-25, 40:1-2.)

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1 2. Defendants' Participation in a Group with the Capacity
2 to Harm Jurors

3 The record shows defendants' involvement on behalf of the
4 Mexican Mafia in at least one murder within a federal facility, and
5 conspiracy to murder another inmate during court appearances
6 associated with an extensive Mexican Mafia-related takedown resulting
7 from the indictment in Docket No. 2:18-CR-00173-GW. While the Court
8 has since dismissed the kidnapping allegations, the First Superseding
9 Indictment originally charged defendants Carlos Gonzalez and Juan
10 Sanchez with kidnapping C.V., conspiring to murder C.V., and carrying
11 firearms in furtherance of committing a crime of violence.

12 Additionally, defendant Jose Valencia Gonzalez is charged with a
13 Violent Crimes in Aid of Racketeering count based on his assault with
14 a deadly weapon of victim M.A. when he allegedly shot M.A. during an
15 attempted carjacking. The record shows that co-conspirator Seferino
16 Gonzalez directed another co-conspirator, Kelly DeShannon, to not
17 tell anyone of the assault on M.A.

18 Overall, the Mexican Mafia is a group with the capacity to harm
19 jurors.

20 3. Defendants' Past Attempts to Interfere with the
Judicial Process or Witnesses

21 On or about February 2, 2025, this Court was notified that
22 defendants Jose Valencia Gonzalez and Juan Sanchez were alleged to
23 have possessed a contraband cellular phone while in custody awaiting
24 trial in the instant matter, and just approximately two days before
25 their transport to the originally scheduled pretrial conference on
26 February 3, 2025. The United States Marshals Service did not
27 transport defendants Jose Valencia Gonzalez and Juan Sanchez to the

1 February 3, 2025 as a precaution to ensure the safety of the
2 transport officers.

3 The alleged possession of contraband in prison in close
4 proximity of time with transport to court and before the jury trial
5 suggests an interference with the judicial process.

6 Moreover, the First Superseding Indictment alleges the Mexican
7 Mafia's promotion of a climate of fear, particularly among rival gang
8 members, potential witnesses to the gang's criminal conduct, and
9 Hispanic gang members, residents, or others who may cooperate with
10 law enforcement, through acts of violence and threats to commit acts
11 of violence. (Dkt. 691 at 15-16.)

12 4. The Potential that Defendants Will Suffer a Lengthy
13 Incarceration if Convicted

14 Here, defendants face a possibility of life imprisonment should
they be convicted on all counts.

15 5. Extensive Publicity that Could Enhance the Possibility
16 that Jurors' Names Would Become Public and Expose Them
17 to Intimidation or Harassment

18 The instant case has previously received publicity, particularly
19 regarding the alleged murder at the Metropolitan Detention Center of
Los Angeles.

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1 Accordingly, the Court adopts these findings of fact to empanel
2 an anonymous jury. In an abundance of caution, however, the Court
3 has agreed to provide the prospective jurors' names under an
4 Attorneys' Eyes Only designation.

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7 DATE

HONORABLE GEORGE H. WU
UNITED STATES DISTRICT JUDGE

8 Presented by:
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11 /s/ Kellye Ng

12 KELLYE NG
13 Assistant United States Attorney
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